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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,244	01/20/2004	Sam T. Lindholm	032469-007

21839  
BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

CONFIRMATION NO. 7086

FORMALITIES LETTER



\*OC000000013801515\*

Date Mailed: 09/14/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.  
A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent  
Attorney's Docket No. 032469-007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	MAIL STOP MISSING PARTS
Sam T. LINDHOLM et al.	)	Group Art Unit: Unassigned
Application No.: 10/759,244	)	Examiner: Unassigned
Filed: January 20, 2004	)	Confirmation No.: 7086
For: OSTEOGENIC DEVICE AND A	)	
METHOD FOR PREPARING THE	)	
DEVICE	)	

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Incomplete Provisional Application ("Notice"), mail dated September 14, 2004, was issued by the U.S. Patent and Trademark Office, asserting that the captioned non-provisional application did not contain the Specification.

To this end, Applicants submit that the complete application, including the specification, was filed on January 20, 2004. The captioned application is a divisional of U.S. Application No. 09/125,963, filed on November 24, 1998. On January 20, 2004, along with a Preliminary Amendment, copy of the executed Small Entity Declaration, Declaration/Power of Attorney; Notice of Recordation of Assignment Document; International Search Report; Form PCT/IB/301; Form PCT/RO/101; Form PCT/IPEA/401; Form PCT/IPEA/409; and Form PCT/IB/306 from the parent application, the application was filed with specification and claims. Applicants again submit a complete copy of the Specification as well as a copy of the

**Response To Notice Of Incomplete Nonprovisional Application**

Application No. 10/759,244

Attorney's Docket No. 032469-007

Page 2

PTO date-stamped postcard from January 20, 2004, indicating that the U.S. Patent and Trademark Office did in fact receive the complete 52 page specification on January 20, 2004.

Therefore, Applicants believe the application is complete and request issuance of an Official Filing Receipt indicating the proper filing date of January 20, 2004. Further, as the specification and complete application were in fact filed properly on January 20, 2004, Applicants submit that a newly executed Declaration covering the specification is not required.

Applicants also believe that a fee is not required for this submission, however, in the event a fee is necessary the Commissioner is hereby authorized to charge Deposit Account No. 02-4800, such fee.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 29, 2004

By: \_\_\_\_\_

  
Deborah H. Yellin  
Registration No. 45,904

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Inventor: Sam T. LINDHOLM et al. Appln. No. Unassigned (Divl of 09/125,963)  
Docket No.: 032469-007 Work. Atty. TSR/DHY:eks Date: January 20, 2004  
Title: OSTEOGENIC DEVICE AND A METHOD FOR PREPARING THE DEVICE

 The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Utility Patent Application Transmittal   | <input type="checkbox"/> Executed Declaration/Power of Attorney   | <input checked="" type="checkbox"/> Check for \$ <u>385.00</u> is enclosed   |
| <input type="checkbox"/> Design Patent Application Transmittal  | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney                                       | <input type="checkbox"/> Check for \$__ is enclosed  |
| <input type="checkbox"/> Continuing Prosecution Application Request   | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)                  | <input type="checkbox"/> Charge \$__ to Deposit Account  |
| <input type="checkbox"/> Provisional Application Cover Sheet  | <input type="checkbox"/> Submission of Certified Copy of Priority Document w/_ certified copy(s)        | <input checked="" type="checkbox"/> Copies of executed Small Entity Declaration; Declaration/Power of Attorney; Notice of Recordation of Assignment Document; International Search Report; Form PCT/IB/301; Form PCT/RO/101; Form PCT/IPEA/401; form PCT/IPEA/409; and Form PCT/IB/306 from parent application, U.S. patent Application No. 09/125,963 |
| <input type="checkbox"/> Provisional Application Transmittal  | <input checked="" type="checkbox"/> Preliminary Amendment   |  |
| <input checked="" type="checkbox"/> Continuation/Divisional Application (Rule 1.53(b)) with copy of application | <input type="checkbox"/> Information Discl. Statement Transmittal Letter                                |  |
| <input type="checkbox"/> Request for Continued Examination  | <input type="checkbox"/> Information Disclosure Citation (PTO-1449)                                     |  |
| INCLUDING:  | <input type="checkbox"/> Information Disclosure Statement w/_ document(s)                               |  |
| <input checked="" type="checkbox"/> Specification (pages 1 - <u>52</u> )  | <input type="checkbox"/> Petition for _ Month Extension of Time   |  |
| <input checked="" type="checkbox"/> Claims (claim(s) 1 - <u>15</u> , <u>3</u> pgs.)                             | <input type="checkbox"/> General Authorization for Petitions for Extensions of Time and Payment of Fees |  |
| <input checked="" type="checkbox"/> Drawings (Fig(s). 1 - <u>3</u> , <u>3</u> pgs.)                             | <input type="checkbox"/> Patent Application Data Sheet  |  |
| <input checked="" type="checkbox"/> Abstract of the Disclosure  |   |  |

15535 U.S. PTO  
10/759244



(10/03)

Inventor: Sam T. LINDHOLM et al. Appln. No. Unassigned (Divl of 09/125,963)  
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| <input type="checkbox"/> Continuing Prosecution Application Request   | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)                  | <input type="checkbox"/> Charge \$__ to Deposit Account  |
| <input type="checkbox"/> Provisional Application Cover Sheet  | <input type="checkbox"/> Submission of Certified Copy of Priority Document w/_ certified copy(s)        | <input checked="" type="checkbox"/> Copies of executed Small Entity Declaration; Declaration/Power of Attorney; Notice of Recordation of Assignment Document; International Search Report; Form PCT/IB/301; Form PCT/RO/101; Form PCT/IPEA/401; form PCT/IPEA/409; and Form PCT/IB/306 from parent application, U.S. patent Application No. 09/125,963 |
| <input type="checkbox"/> Provisional Application Transmittal  | <input checked="" type="checkbox"/> Preliminary Amendment   |  |
| <input checked="" type="checkbox"/> Continuation/Divisional Application (Rule 1.53(b)) with copy of application | <input type="checkbox"/> Information Discl. Statement Transmittal Letter                                |  |
| <input type="checkbox"/> Request for Continued Examination  | <input type="checkbox"/> Information Disclosure Citation (PTO-1449)                                     |  |
| INCLUDING:  | <input type="checkbox"/> Information Disclosure Statement w/_ document(s)                               |  |
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| <input checked="" type="checkbox"/> Drawings (Fig(s). 1 - <u>3</u> , <u>3</u> pgs.)                             | <input type="checkbox"/> Patent Application Data Sheet  |  |
| <input checked="" type="checkbox"/> Abstract of the Disclosure  |   |  |



(10/03)

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